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United States Department of Agriculture
SERVICE AND REGULATORY ANNOUNCEMENTS
NO. 104

(AGRICULTURAL ECONOMICS)

RULES AND REGULATIONS OF THE SECRETARY
OF AGRICULTURE UNDER THE UNITED STATES
STANDARD CONTAINER ACT OF AUGUST 31, 1916

By virtue of the authority vested in the Secretary of Agriculture by an act of Congress entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," approved August 31, 1916 (39 U. S. Statutes at Large, p. 673), I, David F. Houston, Secretary of Agriculture, do establish and promulgate the following rules and regulations, to be in force and effect on and after the 1st day of November, 1917, until amended¹ or superseded by rules and regulations hereafter established and promulgated by the Secretary of Agriculture, under said act.

In testimony whereof, I have hereunto set my hand and the official seal of the Department of Agriculture, in the District of Columbia, this 12th day of September, 1917.

[SEAL.]

D. F. HOUSTON,
Secretary of Agriculture.

REGULATION 1.—DEFINITIONS

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. For the purposes of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Standard container act.*—The act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," approved August 31, 1916. (39 U. S. Stats. at Large, p. 673.)

Paragraph 2. *Containers.*—Climax baskets for grapes and other fruits and vegetables, and baskets or other containers for small fruits, berries, and vegetables.

¹ Amended by the Secretary of Agriculture, Apr. 19, 1927, by changing the schedule of tolerances and variations in regulation 2, sec. 2, par. 2. This publication supersedes Circular 76 of the office of the Secretary.

REGULATION 2.—TOLERANCES AND VARIATIONS

SECTION 1. For the purpose of ascertaining whether a container is within the tolerances and variations as to capacity allowed by these regulations it shall be tested by the use of a dry measure, of the standard capacity applicable to such container, approved by the Bureau of Standards of the United States Department of Commerce. Such test shall be made with rapeseed or other medium giving equivalent results. The capacity of the container shall be determined by struck measure; only the actual capacity when level full shall be considered, and such portion of the contents as may be heaped above the level of the top of the sides shall be disregarded, notwithstanding any raised cover which might permit the extension upwards of the contents. In making such tests both the container to be tested and the measure of standard capacity by the use of which it is to be tested shall be filled with the testing medium, in the same manner and under the same conditions, by means of a hopper of the type customarily employed for the same purpose in State and Federal laboratories.

SEC. 2. Paragraph 1. As prescribed in this section, the following tolerances and variations in the capacities of containers are found to be reasonable and necessary and are hereby allowed.

Paragraph 2. The excess or deficiency in capacity of any container, over or under the capacity prescribed for such container in the standard container act, as specified below in the column designated "Standard capacity," may be as much as, but not greater than, the amount stated in cubic inches in the same line in the column designated "Excess" or "Deficiency," as the case may be, but, among any lot of containers which are not all of the standard capacity prescribed for such containers by the standard container act, the number over shall be as nearly equal as may be practical to the number under such standard capacity, within the tolerances and variations allowed therefor in this section.

Proposed Schedule of tolerances under the United States standard container act

| Standard capacity | Tolerances and variations | |
|---------------------|---------------------------|------------|
| | Excess | Deficiency |
| <i>Cubic inches</i> | <i>Cubic inches</i> | |
| 1½ bushels | 65 | 33 |
| 1¼ bushels | 58 | 29 |
| 1 bushel | 50 | 25 |
| ¾ bushel | 40 | 20 |
| ½ bushel | 30 | 15 |
| 12 quarts | 23 | 12 |
| 8 quarts | 16 | 8 |
| 4 quarts | 10 | 5 |
| 3 quarts | 7½ | 3¾ |
| 2 quarts | 5 | 2½ |
| 1 quart | 3 | 2 |
| 1 pint | 2 | 1½ |
| ½ pint | 1 | ¾ |

Paragraph 3. In case of a container having a capacity to which a standard is applicable which is not specified in the column headed "Standard capacity" in the foregoing table, the excess or the deficiency allowed shall be that permitted for the next smaller standard capacity specified in the table, but this shall not apply to containers for which variations and tolerances shall be permitted and established under the act entitled "An act to fix the standard barrel for fruits, vegetables, and other dry commodities," approved March 4, 1915 (38 U. S. Stats. at Large, p. 1186), when such variations and tolerances become effective.

SEC. 3. Paragraph 1. As prescribed in this section, the following tolerances and variations in dimensions of Climax baskets for grapes and other fruits and vegetables are found to be reasonable and necessary and are hereby allowed, subject, however, to the tolerances and variations in capacity allowed in section 2 of these regulations.

Paragraph 2. The excess or deficiency in any dimension specified below in the column designated "Dimensions," over or under the measurement prescribed

for such dimensions in section 1 of the standard container act, may be as much as, but not greater than, the amount specified opposite such dimension in the column designated "Excess" or "Deficiency," as the case may be.

| Dimensions | Tolerances and variations | |
|--|---------------------------|----------------|
| | Excess | Deficiency |
| | Inch | Inch |
| Length of bottom piece of 2-quart, 4-quart, or 12-quart Climax basket..... | $\frac{1}{16}$ | $\frac{1}{8}$ |
| Width of bottom piece of 2-quart, 4-quart, or 12-quart Climax basket..... | $\frac{1}{8}$ | $\frac{1}{8}$ |
| Thickness of bottom piece of 2-quart, 4-quart, or 12-quart Climax basket..... | $\frac{3}{16}$ | $\frac{3}{16}$ |
| Height of 2-quart, 4-quart, or 12-quart Climax basket, outside measurement..... | $\frac{1}{2}$ | $\frac{1}{8}$ |
| Length of cover of 2-quart, 4-quart, or 12-quart Climax basket..... | $\frac{1}{16}$ | $\frac{1}{8}$ |
| Width of cover of 2-quart, 4-quart, or 12-quart Climax basket..... | $\frac{1}{8}$ | $\frac{1}{8}$ |
| Combined length and width of top of 2-quart Climax basket, outside measurement..... | $\frac{1}{2}$ | $\frac{1}{4}$ |
| Combined length and width of top of 4-quart Climax basket, outside measurement..... | $\frac{5}{16}$ | $\frac{3}{8}$ |
| Combined length and width of top of 12-quart Climax basket, outside measurement..... | $\frac{3}{4}$ | $\frac{1}{2}$ |

UNITED STATES STANDARD CONTAINER ACT

(39 U. S. Statutes at Large, p. 673)

AN ACT To fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

SEC. 2. That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

- (a) The dry half pint shall contain sixteen and eight-tenths cubic inches.
- (b) The dry pint shall contain thirty-three and six-tenths cubic inches.
- (c) The dry quart shall contain sixty-seven and two-tenths cubic inches.

SEC. 3. That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act; and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment

of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

SEC. 4. That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this Act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

SEC. 5. That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of the Act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided.

SEC. 6. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this Act, were purchased, to the effect that said Climax baskets, baskets, or other containers, are correct within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

SEC. 7. That this Act shall be in force and effect from and after the first day of November, nineteen hundred and seventeen.

Approved, August 31, 1916.